

10- R-0191

Entered - 11/24/09 - sb
CL- 09L0921 - Angelena Kelly

Claim of: AT & T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101

For damages alleged to have been sustained as a result of
the construction of a catch basin on May 27, 2008 at 418
Simpson Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/26/10

CHAIR [Signature]

[Signature]
[Signature]

FEB 01 2010

ADVERSED BY
CITY COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

February 9, 2010

AT&T
909 Chestnut Street
Room 39-N-13
St. Louis MO. 63101

10-R-0191

Dear Sir/Madam

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0921

Date: December 30, 2009

Claimant /Victim: AT & T
BY:(Atty)(Ins. Co.)
Address: 909 Chestnut Street, Room 39-N-13, St. Louis, MO 63101
Subrogation: Claim for Property damage \$ 7,229.24 Bodily Injury \$
Date of Notice: 11/18/09 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence: 5/27/08 Place: 418 Simpson Road
Department: Watershed Management Bureau: Wastewater Treatment and Collections Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that their cable was severed during the construction of a catch basin. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

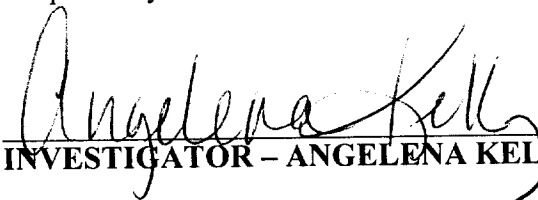
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

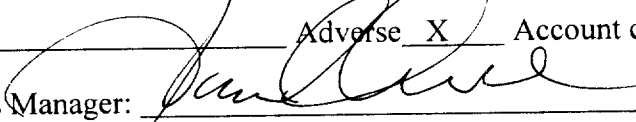
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager:  Concur/date 01/07/10
Committee Action: Council Action



at&t

ENTERED - 11-24-09 - SB
09L0921 - A. KELLY

Claim for Damages

Kelly
11/18/09

To:
ATLANTA CITY OF LAW DEPARTMENT
68 MITCHELL STREET
SUITE 4100
ATLANTA, GA 30303

Claim Number: BLST-61-200806-07-0041-OTT

Charges for Damages to:
BELLSOUTH TELECOM.,INC DBA AT&T- GEORGIA

Occured/Discovered On or About: 05/27/2008

Approximate Location:
418 SIMPSON ROAD (FULTON COUNTY), ATLANTA, GA

How Damage Occured:
CLEARING FOR ROAD AND NEW DRIANAGE

Summary of Charges

The following amounts include direct and indirect costs covering repair of this damage including but not limited to personnel, equipment and vehicles. These include the labor, contractor, material, loss of service and other miscellaneous costs

LABOR COST	\$3,757.07
MATERIALS/UNIT COST ITEMS	\$93.51
CONTRACTOR	\$3,195.66
LOSS OF SERVICE	\$183.00
TOTAL AMOUNT DUE:	\$7,229.24

Breakdown of Charges on next page

**Call before you dig
Call 811**

10- R -0191

For Inquiries Call: 800-894-0374 or 800-363-3234 (FAX)

This payment is due upon receipt. If payment is not received within 30 days further collection action will be taken. IF A PAYMENT FOR LESS THAN THE FULL AMOUNT IS RECEIVED, IT WILL BE APPLIED AS A PARTIAL PAYMENT. **Please do not pay with telephone bill.**

If you are covered by insurance, please forward this to your carrier for payment. Once your claim has been established with your insurance company, please contact us at 800-894-0374 with your claim information, and we will work with your insurance company to resolve. AT&T accepts checks, money orders or credit card payments. We do not accept cash. Please complete the information below and return in the enclosed envelope or you may call 800-894-0374 to pay by phone.



TOTAL AMOUNT DUE: \$7,229.24

Amount enclosed: \$ _____

ATLANTA CITY OF LAW DEPARTMENT

Claim Number: BLST-61-200806-07-0041-OTT

Return this section with payment in enclosed envelope.

Please write claim number on check or money order to ensure proper credit.

For credit card payment:

Credit Card number: _____

Name on Card: _____

Amount to be charged to your card: _____

Three digit security number on back of card: _____

Expiration Date: _____

Remit Payment to:

AT&T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101-3099



RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		